



Via ECF

October 27, 2016

U.S. Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

**Re: *Catskill Mountainkeeper, Inc. v. FERC*, Nos. 16-345, 16-361**  
**Authorizing Disposal of Defective Paper Copies of Petitioners' Final-Form Brief**

Dear Clerk of Court:

On October 17<sup>th</sup>, 2016, Earthjustice filed a Final-Form Opening Brief on behalf of Petitioners Catskill Mountainkeeper, Inc., Clean Air Council, Delaware-Otsego Audubon Society, Inc., Riverkeeper, Inc., and Sierra Club via ECF. ECF No. 223. This filing did not include the Addendum that was filed with Petitioners' Page-Proof Opening Brief, ECF No. 137-2, and counsel was advised to re-file the Final-Form Brief with Addendum in ECF. Earthjustice re-filed the Final-Form Opening Brief with the Addendum that same day. ECF No. 226. On October 18<sup>th</sup>, Earthjustice delivered hard copies of Petitioners' Final-Form Opening Brief and the Addendum to the Clerk of Court via hand-delivery, with the brief and Addendum bound separately. The Court issued a Notice of Defective Filing on October 20<sup>th</sup> advising that new hard copies must be submitted, with the brief and addendum bound as one physical booklet. ECF No. 234. Staff for Earthjustice delivered the required hard copies later that day via hand-delivery, and on October 21<sup>st</sup> the Court issued a notice that the defective filing was cured. ECF No. 242.

On October 26<sup>th</sup>, I was advised that the Court required permission to dispose of the defective hard copies that had bound the Opening Brief and Addendum separately. I hereby authorize the Clerk of Court to dispose of the defective hard copies by recycling.

Respectfully submitted,

/s/Moneen Nasmith

Moneen Nasmith

*Counsel for Petitioners Catskill  
Mountainkeeper, Inc., Clean Air  
Council, Delaware-Otsego Audubon  
Society, Inc., Riverkeeper, Inc., and  
Sierra Club*